

BILL NO. G-88-02-23

GENERAL ORDINANCE NO. G-

05-88

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the  
City of Fort Wayne (as more specifically described below)  
was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-  
4-12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

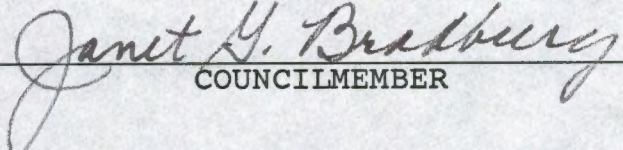
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
public alley within the City of Fort Wayne, more  
specifically described as follows, to-wit:

Alley, 12 feet wide 254 feet long, running  
northward from the northern boundary of Jefferds  
Avenue in Lincoln Highway Park Addition, to the  
City of Fort Wayne, along the western boundaries  
of Lots Numbered 114 through 119 inclusive.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

  
COUNCILMEMBER



APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay

J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on Tuesday,  
the 12th day of April, 1988,  
in the Council Chambers.

SEK

Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock 11, M., E.S.T.

DATE: 2-23-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
TOTAL VOTES	<u>9</u>	_____	_____	_____	_____
BRADBURY	<u>✓</u>	_____	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____	_____
GiaQUINTA	<u>✓</u>	_____	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____	_____
LONG	<u>✓</u>	_____	_____	_____	_____
REDD	<u>✓</u>	_____	_____	_____	_____
SCHMIDT	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 4-12-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE RESOLUTION NO. 5-05-88 on the 12th day of April, 1988,

ATTEST:

SEAL

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1988, at the hour of 11:00 o'clock 11.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of April, 1988, at the hour of 10:30 o'clock P.M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

**RECEIPT**

No 2755

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 12-30 1987

RECEIVED FROM Omni Source \$ 100.00

THE SUM OF one hundred + 00/100 DOLLARS

ON ACCOUNT OF vacation

[Signature]  
AUTHORIZED SIGNATURE





# OmniSource

---

C O R P O R A T I O N

Fort Wayne Division  
1610 North Calhoun Street  
Fort Wayne, Indiana 46808  
(219) 422-7443  
TWX 810 332 2223  
Answer Back SUPERIOR FWA

## VACATION ORDINANCE

### PETITION TO VACATE (Alley)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner, OmniSource Corp., does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public alley within the City of Fort Wayne, Indiana, and hereby described as follows:

Alley, 12 feet wide and 254 feet long, running northward from the northern boundary of Jefferds Avenue in Lincoln Highway Park addition, to the City of Fort Wayne, along the western boundaries of lots number 114 through 119, inclusive.

In support thereof, your petitioner would represent as follows:

1. That we are the only owners of the real estate bordering both sides of the alley.
2. That the alley is not necessary as ingress or egress to other properties whatsoever.
3. That said alley is unopened and unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.



Page two  
Petition to Vacate  
December 30, 1987

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 30th DAY OF DECEMBER, 1987

OMNISOURCE CORP. *Barry Pass*  
Adjacent Property Owner's  
Signature  
Barry Pass, V.P.

*Barry Pass* OMNISOURCE CORP  
Petitioner's Signature  
Barry Pass, V.P.

1610 North Calhoun Street  
Fort Wayne, Indiana. 46808  
Adjacent Property Owner's Address

1610 North Calhoun Street  
Fort Wayne, Indiana 46808  
Petitioner's Address

OMNISOURCE CORP. *Barry Pass*  
Adjacent Property Owner's  
Signature Barry Pass, V.P.

Barry Pass  
1610 North Calhoun Street  
Fort Wayne, Indiana 46808  
Agent's Name and Address  
(219) 422-5541

1610 North Calhoun Street  
Fort Wayne, Indiana 46808  
Adjacent Property Owner's Address

\*\*Check No. 5845 for \$100  
enclosed for filing fee,  
vacate alley.



RESOLUTION 77-243-10

WHEREAS, OMNI-SOURCE CORPORATION an Indiana Corporation has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

Alley, 12 feet wide 254 feet long, running northward from the northern boundary of Jefferds Avenue in Lincoln Highway Park Addition, to the City of Fort Wayne, along the western boundaries of Lots Numbered 114 through 119 inclusive.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.


STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, Angela S. Berheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 9, 1988 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 9<sup>th</sup> DAY OF March 1988

FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer  
Angela S. Derheimer  
Director of Public Works

  
Robert E. Love  
Director of Public Safety

*C. David Silletto*  
C. David Silletto  
Director of Administration & Finance



## RESOLUTION

WHEREAS, OMNI-SOURCE CORPORATION an Indiana Corporation has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

Alley, 12 feet wide 254 feet long, running northward from the northern boundary of Jefferds Avenue in Lincoln Highway Park Addition, to the City of Fort Wayne, along the western boundaries of Lots Numbered 114 through 119 inclusive.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 22, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

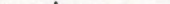
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 29 February 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 8th DAY OF March 1988

F O R T   W A Y N E , C I T Y   P L A N   C O M M I S S I O N

  
Robert Hutner  
Secretary



1610 N. Calhoun

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Alley lying North of Jefferds Avenue, West of Edsall Avenue, East of vacated Fairview Avenue and just South of the Norfolk & Western Railroads Tracks.

G-88-02-23

EFFECT OF PASSAGE Property is presently dedicated right-of-way. Property will be vacated and revert to the use of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_



**FACT SHEET**

G-88-02-23

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

**DETAILS****Specific Location and/or Address**

North off of the 2900 Block of Jefferds,  
between Edsall Av and the vacated Fairfiew  
Avenue.

**Reason for Project**

Incorporate alley into Omni Source's  
recycling operation.

**Discussion (Including relationship to other Council actions)**

22 February 1988 - Public Hearing

Barry Pass, Vice-President with Omni Source Corporation, the petitioner, stated that they own all of the property adjacent to the alley. He stated that there are no utilities in the alley but that they are willing to grant whatever easements that would be required.

Mel Smith questioned what they would use the vacated alley for.

Mr. Pass stated that all of the property in the area is M-3 zoned and this alley is already incorporated in the scrap recycling operation that is presently located there. He stated that the alley used to extend from Jefferds Avenue all the way to the N&W railroad tracks. He stated that the northern portion of the alley had been vacated some years ago and since Omni Source has now acquired all of the adjacent property it serves no purpose to exist as an alley.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Omni Source Corporation  
City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass



# DETAILS

29 February 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 30 December 1987

Projected Completion or Occupancy

Date 8 March 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date 8 March 1988

Reviewed by

*Ray Burt*  
Reference or Case Number

Date

3/1/88



BILL NO. G-88-02-23

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the  
Thoroughfare Plan of the City Comprehensive ("Master") Plan  
by vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
Mark E. Quinta CHAIRPERSON  
Charles B. Redd MARK E. GIAQUINTA  
David C. Long VICE CHAIRMAN  
Paul M. Burns CHARLES B. REDD  
DAVID C. LONG  
PAUL M. BURNS

CONCURRED IN 4-12-88

Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk

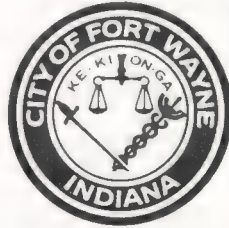


A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

COUNCILMANIC DISTRICT NO. 1







## THE CITY OF FORT WAYNE

March 28, 1988

OmniSource Corporation  
Fort Wayne Division  
1610 North Calhoun Street  
Fort Wayne, Indiana 46808

### NOTICE OF PUBLIC HEARING ON BILL NO. G-88-02-23

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, April 12, 1988, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

North off the 2900 Block Jefferds, between  
Edsall Avenue and the vacated Fairfiew Avenue.  
Incorporate alley into Omni Source's recycling  
operation

All interested persons are invited to appear and be heard.  
Any written material may be submitted to the Common Council  
prior to the hearing

Fort Wayne Common Council

Sandra E. Kennedy  
City Clerk

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-88-02-23)

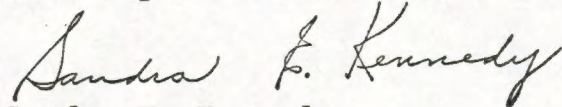
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, April 12, 1988, at 7:00 P.M. (EST) in Room 128, Common Council Conference Room, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

North off the 2900 Block of Jefferds, between Edsall Avenue and the vacated Fairfiew Avenue. Incorporate alley into Omni Source's recycling operation

Alley, 12 feet wide 254 feet long, running northward from the northern boundary of Jefferds Avenue in Lincoln Highway Park Addition, to the City of Fort Wayne, along the western boundaries of Lots Numbered 114 through 119 inclusive

All interested parties are invited to appear and be heard.

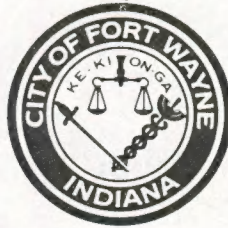
Fort Wayne Common Council



Sandra E. Kennedy  
City Clerk



All America City



Most Livable City

## THE CITY OF FORT WAYNE

March 28, 1988

Ms. Marilyn Romine  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of March 31, 1988, in both the News Sentinel and Journal Gazette.

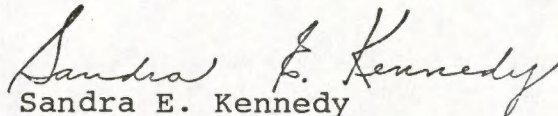
RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-88-02-23  
Alley vacation

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL:1

Fort Wayne Common Council  
(Governmental Unit)To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

Allen County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

3

17

3

23

## COMPUTATION OF CHARGES

23 lines, 1 columns wide equals 23 equivalent lines  
at .330 cents per line\$ 7.59Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 7.59

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: March 31, 19 88Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

3/31/88Subscribed and sworn to before me this 31st day of March, 19 88.

Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-88-02-23)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, April 12, 1988, at 7:00 P.M. (EST) in Room 128, Common Council Conference Room, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

North off the 2900 Block of Jefferds, between Edsall Avenue and the vacated Fairview Avenue. Incorporate alley into Omni Source's recycling operation.

Alley, 12 feet wide 254 feet long, running northward from the northern boundary of Jefferds Avenue in Lincoln Highway Park Addition, to the City of Fort Wayne, along the western boundaries of Lots Numbered 114 through 119 inclusive.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk



**Fort Wayne Common Council**  
(Governmental Unit)

To: **The Journal-Gazette** Dr.  
**P.O. Box 100**  
**Fort Wayne, IN**

**Allen** County, Indiana

**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

17

Tail -- number of lines

3

Total number of lines in notice

23

**COMPUTATION OF CHARGES**

23 lines, 1 columns wide equals 23 equivalent lines  
at .330 cents per line

\$ 7.59

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 9.59

**DATA FOR COMPUTING COST**

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Trudy Sterling

Date: March 31, 19 88

Title: Clerk

**PUBLISHER'S AFFIDAVIT**

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

3/31/88

Trudy Sterling

Subscribed and sworn to before me this 31st day of March, 19 88

Shelley R. LaRue

Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990

